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Paper No. 18

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MAY 08 2002

OFFICE OF PETITIONS

In re Application of :
Martha Karen Newell : DECISION GRANTING
Application No. 09/277,575 : PETITION
Filed: March 27, 1999 :
Attorney Docket No. I00277/70004 :
(HCL/CSMD) :

This is a decision on the paper styled "Petition To Accord A Filing Date" filed April 11, 2002, requesting that the above-identified application be accorded a filing date of March 27, 1999, rather than the presently accorded filing date of March 26, 1999. The petition is properly treated as a petition under 37 CFR 1.10(d).

Applicant requests the later filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on March 27, 1999, pursuant to the requirements of 37 CFR 1.10. In support, applicant provided, inter alia, a copy of the Express Mail label, receipt no. EL025156975US. It is noted that the copy of the Express Mail label receipt reveals that the "date-in" entered is not clear, inasmuch as it can be read as 3-26-99 or 3-27-99; however, it includes a "Fort Point STA Boston MA USPS" receipt stamp dated March 27, 1999. The same Express Mail receipt number appears on the copy of the original transmittal letter submitted with the present petition.

In view of the official notation, in the form of an official USPS stamp, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on May 27, 1999.

The petition is granted.

No petition fee is required and none has been charged.

The application is being returned to Initial Patent Examination Division for correction of the filing date to May 27, 1999.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (703) 306-5685.

Sherry Brinkley

Sherry Brinkley
Petitions Examiner
Office of Petitions
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for Patent Examination Policy